

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al.,
Plaintiff,
v.
SAN JOSE WATER COMPANY,
Defendant.

No. C 05-00698 CW

CONDITIONAL ORDER
OF DISMISSAL

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that this cause be dismissed with prejudice; provided, however, that if any party hereto shall certify to this Court, with proof of service of a copy thereon on opposing counsel, within 90 days from the date hereof, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: 7/21/05

/s/ CLAUDIA WILKEN
CLAUDIA WILKEN
United States District Judge